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8 *JGB Vegas Retail Lessee, LLC*

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10 **UNITED STATES DISTRICT COURT**  
11 **DISTRICT OF NEVADA**

12 JGB VEGAS RETAIL LESSEE, LLC,

13 Plaintiff,

14 vs.

15 STARR SURPLUS LINES INSURANCE  
16 COMPANY,

17 Defendants.

Case No. 2:20-cv-01366-KJD-BNW

**STIPULATION AND PROPOSED  
ORDER TO REMAND**

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19 Plaintiff JGB Vegas Retail Lessee, LLC (“JGB”) and defendant Starr Surplus Lines  
20 Insurance Company (“Starr”) hereby agree to and respectfully submit this stipulation and proposed  
21 Order to the Court, and recite as follows:

22 **WHEREAS**, on June 16, 2020, JGB sued Starr in the Nevada District Court of Clark  
23 County, Department No. XIII, Case No. A-20-816628-B (the “Nevada State Court Action”);

24 **WHEREAS**, on June 23, 2020, the Nevada Division of Insurance effectuated service of  
25 JGB’s complaint in the Nevada State Court Action on Starr;

26 **WHEREAS**, on July 23, 2020, Starr filed a notice of removal of the Nevada State Court  
27 Action to this Court, based on diversity of citizenship under 28 U.S.C. § 1332(a) between JGB and  
28 Starr;

1       **WHEREAS**, on July 24, 2020, counsel for JGB contacted counsel for Starr to advise that,  
2 based on JGB's status as an LLC, its citizenship was determined by its owners/members, and that  
3 at least one owner/member of JGB was a New York citizen. *See Johnson v. Columbia Properties*  
4 *Anchorage, LP*, 437 F.3d 894, 899 (9th Cir. 2006) ("We therefore join our sister circuits and hold  
5 that, like a partnership, an LLC is a citizen of every state of which its owners/members are  
6 citizens."). JGB's counsel further advised that this fact would destroy complete diversity, since  
7 Starr contends that its principal place of business is in New York. 28 U.S.C. § 1332(c)(1) ("[A]  
8 corporation shall be deemed to be a citizen of every State and foreign state by which it has been  
9 incorporated and of the State or foreign state where it has its principal place of business.");

10       **WHEREAS** since Starr's removal, JGB and Starr have engaged in discussions to resolve  
11 this issue, and JGB has provided Starr with satisfactory documentary evidence demonstrating that  
12 at least one of its members is a citizen of New York. Thus, the parties agree that complete  
13 diversity and subject matter jurisdiction does not exist between JGB and Starr.

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1           **IT IS HEREBY STIPULATED AND AGREED**, subject to the Court's approval, that  
2 this litigation be remanded to the Nevada State Court because there is a lack of diversity between  
3 JGB and Starr.

4 DATED this 12th day of August, 2020

DATED this 12th day of August, 2020

5 WOLF, RIFKIN, SHAPIRO, SCHULMAN  
6 & RABKIN, LLP

FORAN GLENNON PALANDECH PONZI  
& RUDLOFF PC

By: /s/ Don Springmeyer

By: /s/ Lee H. Gorlin

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*Attorneys for Starr Surplus Lines*  
*Insurance Company*

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17 IT IS SO ORDERED:

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UNITED STATES DISTRICT JUDGE

20 DATED: 9/1/2020  
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**CERTIFICATE OF SERVICE**

I hereby certify that on this 12th day of August, 2020, a true and correct copy of **STIPULATION AND PROPOSED ORDER TO REMAND** was served via the United States District Court CM/ECF system on all parties or persons requiring notice.

By /s/ Christie Rehfeld

Christie Rehfeld, an Employee of  
WOLF, RIFKIN, SHAPIRO, SCHULMAN &  
RABKIN, LLP